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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MOLINARI, MICHAEL J

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 08/13/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/459,670

Applicant(s)

JEFFREY ET AL.

Examiner

Michael J Molinari

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claims 19 is objected to because of the following informalities: Line 4 of the claim should have an indefinite article preceding "virtual circuit connection", for example "a virtual circuit connection". Appropriate correction is required.
2. Claims 32 is objected to because of the following informalities: Line 3 of the claim should have an indefinite article preceding "virtual circuit connection", for example "a virtual circuit connection". Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 24-27 and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Burwell et al. (U.S. Patent No. 5,818,842).
3. Referring to claim 24, Burwell et al. disclose a host computer for transmitting data between a first device on a local area network and a second device on a virtual circuit network (see column 7, lines 29-34) comprising: a network program extracting a virtual circuit message from a device message (see column 8, lines 25-31), wherein the virtual circuit message includes a virtual circuit identification assigned to the first device for a virtual circuit connection with the

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second device (see column 8, lines 55-62); a call deflector program saving an association between the virtual circuit identification and the first device (Look-up Engine (LUE), see column 11, lines 50-60; see also column 7, lines 60-64), wherein the association is usable for communications between the first device and the second device (see column 7, lines 29-34); and a packet switching program passing data between the first device and the second device based on the association (see column 8, lines 45-47).

4. Referring to claim 25, Burwell et al. disclose a call deflector table storing the association between the virtual circuit identification and the first device (see column 12, lines 24-28).

5. Referring to claim 26, Burwell et al. disclose a bus driver extracting the device message from a bus-specific message, and passing the device message to the network program (see column 3, lines 26-28 and column 9, lines 7-15).

6. Referring to claim 27, Burwell et al. disclose that the network program determines an address of the first device from the device message (see column 7, lines 44-67 and column 8, lines 1-37).

7. Referring to claim 29, Burwell et al. disclose that the call deflector saves an association between the virtual circuit identification with the address of the first device (see column 7, lines 60-64).

8. Referring to claim 30, Burwell et al. disclose that the virtual circuit identification is usable for transmitting data between the first device and the second device (see column 7, lines 60-64).

9. Referring to claim 31, Burwell et al. disclose that the virtual circuit network is an ATM network (see Abstract).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 19-23 and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burwell et al. (U.S. Patent No. 5,818,842) in view of Tanenbaum ("Computer Networks, Third Edition"), further in view of Hamami (U.S. Patent No. 6,182,193), further in view of Weaver et al. (U.S. Patent No. 5,995,487).

12. Referring to claim 19, Burwell et al. disclose a method of communicating between a first device on a local area network and a second device on a virtual circuit network via a host computer communicatively linked to the first device and the second device, the method comprising the step of receiving a request from the first device for virtual circuit connection with the second device (see column 7, lines 24-34 and column 8, lines 40-43) and saving an association between the virtual circuit identification with the first device (see column 4, lines 48-51, column 11, lines 1 and 50-60, and column 8, lines 39-40). Burwell et al. differ from claim 19 in that they fail to disclose the remaining details concerning call setup in an ATM network. However, call setup in ATM networks is well known in the art. For example, Tanenbaum teaches sending the request to the second device, receiving a virtual circuit response from the second device, and sending the virtual circuit response to the first device (see Figure 5-65 (a)), which has the advantage of being the conventional means of setting up a virtual circuit in an

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ATM network. One with skill in the art would have recognized the advantage of setting up a virtual circuit as taught by Tanenbaum. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the call setup method of Tanenbaum into the system of Burwell et al. to achieve the advantage of using the conventional ATM setup method. Burwell et al. also differ from claim 19 in that they fail to disclose saving an association of the first device with the request. However, saving an association of the first device with the request is well known in the art. For example, Hamami teaches that such an association is conventional (call reference value, see column 2, lines 9-17). One skilled in the art would have recognized the advantage of using a call reference value as taught by Hamami. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the use of a call reference value as taught by Hamami into the system of Burwell et al. to achieve the advantage of using a conventional feature of ATM networks. Burwell et al. in view of Tanenbaum fail to teach that the VC response contains a VCI assigned for the VC connection. However, such a field in the response message is also conventional. For example, Weaver et al. teach just such a field (see column 6, lines 13-22), which has the advantage of informing the requesting node of the VC to use for sending data. One skilled in the art would have recognized the advantage of including the VCI in the response message as taught by Weaver et al. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the VCI field in the response message as taught by Weaver et al. into the invention of Burwell et al. in view of Tanenbaum to achieve the advantage of informing the requesting node of the VC to use for sending data.

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13. Referring to claim 20, Hamami discloses that the step of saving an association between the virtual circuit identification with the first device further comprises the steps of: determining an address of the first device from the request; generating a call reference value to identify the first device; and saving an association between the call reference value with the address of the first device (see column 2, lines 9-17).

14. Referring to claim 21, Burwell et al. disclose that the step of saving an association between the virtual circuit identification with the first device comprises the steps of: determining an address of the first device from the request; and saving an association between the virtual circuit identification with the address of the first device (see column 4, lines 48-51, column 11, lines 1 and 50-60, and column 8, lines 39-40).

15. Referring to claim 22, Tanenbaum discloses the step of transmitting data between the first device and the second device using the virtual circuit identification as being conventional (see pages 450-452).

16. Referring to claim 23, Burwell et al. disclose that the virtual circuit network is an ATM network (see Abstract).

17. Referring to claim 32, Burwell et al. disclose a computer-readable medium having computer-executable instructions for performing steps comprising the step of receiving a request from the first device for virtual circuit connection with the second device (see column 7, lines 24-34 and column 8, lines 40-43) and saving an association between the virtual circuit identification with the first device (see column 4, lines 48-51, column 11, lines 1 and 50-60, and column 8, lines 39-40). Burwell et al. differ from claim 32 in that they fail to disclose the remaining details concerning call setup in an ATM network. However, call setup in ATM

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networks is well known in the art. For example, Tanenbaum teaches sending the request to the second device, receiving a virtual circuit response from the second device, and sending the virtual circuit response to the first device (see Figure 5-65 (a)), which has the advantage of being the conventional means of setting up a virtual circuit in an ATM network. One with skill in the art would have recognized the advantage of setting up a virtual circuit as taught by Tanenbaum. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the call setup method of Tanenbaum into the system of Burwell et al. to achieve the advantage of using the conventional ATM setup method. Burwell et al. also differ from claim 32 in that they fail to disclose saving an association of the first device with the request. However, saving an association of the first device with the request is well known in the art. For example, Hamami teaches that such an association is conventional (call reference value, see column 2, lines 9-17). One skilled in the art would have recognized the advantage of using a call reference value as taught by Hamami. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the use of a call reference value as taught by Hamami into the system of Burwell et al. to achieve the advantage of using a conventional feature of ATM networks. Burwell et al. in view of Tanenbaum fail to teach that the VC response contains a VCI assigned for the VC connection. However, such a field in the response message is also conventional. For example, Weaver et al. teach just such a field (see column 6, lines 13-22), which has the advantage of informing the requesting node of the VC to use for sending data. One skilled in the art would have recognized the advantage of including the VCI in the response message as taught by Weaver et al. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the

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VCI field in the response message as taught by Weaver et al. into the invention of Burwell et al. in view of Tanenbaum to achieve the advantage of informing the requesting node of the VC to use for sending data.

18. Referring to claim 33, Hamami discloses that the step of saving an association between the virtual circuit identification with the first device further comprises the steps of: determining an address of the first device from the request; generating a call reference value to identify the first device; and saving an association between the call reference value with the address of the first device (see column 2, lines 9-17).

19. Referring to claim 34, Burwell et al. disclose that the step of saving an association between the virtual circuit identification with the first device further comprises the steps of: determining an address of the first device from the request; and saving an association between the virtual circuit identification with the address of the first device (see column 4, lines 48-51, column 11, lines 1 and 50-60, and column 8, lines 39-40).

20. Referring to claim 35, Tanenbaum discloses performing the step comprising transmitting data between the first device and the second device using the virtual circuit identification (see pages 450-452).

21. Referring to claim 36, Burwell et al. disclose that the virtual circuit network is an ATM network (see Abstract).

22. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burwell et al. as applied to claim 27 above, and further in view of Sasagawa (U.S. Patent No. 5,943,337).

23. Referring to claim 28, Burwell et al. differ from claim 28 in that they fail to disclose that the call deflector generates a call reference value to identify the first device, and saves an

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association between the call reference value with the address of the first device. However, the use of call reference values is conventional in ATM networks. For example, Sasagawa teaches such a use of a call reference value (see column 9, lines 34-61), which has the advantage of conforming to the ATM standard. One skilled in the art would have recognized the advantage of using a call reference value as taught by Sasagawa. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the use of a call reference value as taught by Sasagawa into the invention of Burwell et al. to achieve the advantage of conforming to the ATM standard.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

25. U.S. Patent No. 6,324,166 to Yokoyama et al. teaches a method of performing call setup in an ATM network.

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

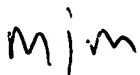
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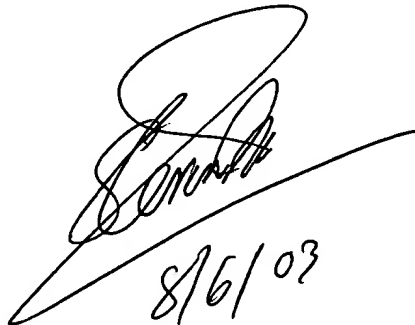
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Molinari whose telephone number is (703) 305-5742. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Michael Joseph Molinari
August 5, 2003


8/6/03